

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-05892-AH-MAR Date: September 10, 2025

Title *Gerardo Farias-Contreras v. Warden, FCI Terminal Island*

Present: The Honorable: MARGO A. ROCCONI, UNITED STATES
MAGISTRATE JUDGE

<u>VALERIE VELASCO</u>	<u>N/A</u>
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
<u>N/A</u>	<u>N/A</u>

**Proceedings: (In Chambers) ORDER TO SHOW CAUSE RE: DISMISSAL
FOR LACK OF PROSECUTION**

On June 10, 2025, Petitioner constructively¹ filed the instant Petition for Writ of Habeas Corpus pursuant to U.S.C. § 2241 (“section 2241”). ECF Docket No. (“Dkt.”) 1. The Court then screened the petition pursuant to Habeas Rule 4. On July 21, 2025 the Court issued an Order to Show Cause Why the Action Should Not Be Dismissed (“OSC”) as an improperly disguised Section 2255 motion. Dkt. 4. To date, Plaintiff has not responded to the Court’s OSC.

Accordingly, Plaintiff is ordered to respond **within twenty-one (21) days** of this Order, **by September 29, 2025**. **The Court warns Petitioner that failure to timely respond will result in dismissal of the action for the reasons outlined in the Court’s OSC.**

IT IS SO ORDERED.

Initials of Preparer

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¹ Under the “mailbox rule,” when a pro se prisoner gives prison authorities a pleading to mail to court, the court deems the pleading constructively “filed” on the date it is signed. Roberts v. Marshall, 627 F.3d 768, 770 n.1 (9th Cir. 2010). Because petitioner did not date the instant Petition when he signed it, the Court cannot determine the constructive filing date in that manner. However, the envelope in which the Petition was mailed was postmarked on September 20, 2021, so the Court uses that as the constructive filing date.